

**VILLAGE OF NORTH UTICA,
COUNTY OF LASALLE,
STATE OF ILLINOIS**

ORDINANCE NO.

2007 - 03

**AN ORDINANCE ADOPTING AND
ADMINISTERING A BUSINESS LICENSE
BY THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS**

Date Passed: February 14, 2007

Date Posted: February 14, 2007

**DO NOT REMOVE FOR 10 DAYS
FROM DATE OF POSTING**

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LASALLE COUNTY,
ILLINOIS**

ORDINANCE NO. 2007 - _____

**AN ORDINANCE ADOPTING AND
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BY THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS**

WHEREAS, the Village of North Utica is a home-rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, The Board of Trustees of the Village of North Utica, LaSalle County, Illinois ("the Village"), after full investigation and consideration, has determined it to be in the best interests of the citizens of the Village, and where it is further believed to be necessary, appropriate, and pertaining to the governmental affairs of the Village that the Village adopt an ordinance requiring a Business License to operate a commercial establishment within the Village as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE VILLAGE OF NORTH UTICA, LASALLE
COUNTY, ILLINOIS, AS FOLLOWS:**

Section 1: The following is adopted as the Ordinance for Business Licenses for the Village:

TITLE I
BUSINESS LICENSE ADMINISTRATIVE REGULATIONS

SECTION:

- 1-1-1: License Required; Subjects of Licensing Authority**
- 1-1-2: Applications**
- 1-1-3: License Procedures / Fee**
- 1-1-4: Investigations**
- 1-1-5: Approval; Disapproval**
- 1-1-6: License Year and Termination**
- 1-1-7: Computation of License Fees**
- 1-1-8: Licenses not Assignable; Unlawful Use**
- 1-1-9: Location**
- 1-1-10: Records and Standards**
- 1-1-11: Nuisances Prohibited**
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- 1-1-15: Suspension, Revocation and Appeal**
- 1-1-16: License to be Posted, Destruction, Removal of License**
- 1-1-17: License Not to Preclude Other Licenses**
- 1-1-18: Activities and Organizations Excluded**
- 1-1-19: Peddlers and Hawkers Prohibited**
- 1-1-20: Prohibited Conduct**
- 1-1-21: Penalty**

- 1-1-1: License Required: Subjects of Licensing Authority.**

No person shall conduct, engage in, maintain, operate, carry on or manage any business, occupation, activity or establishment, either by himself or itself, or through an agent, employee or partner, for which a license is required by this Chapter, without first having obtained a license for such business, occupation, activity or establishment. Home occupations are expressly governed by this Ordinance as well as all requirements of the Zoning Ordinance of the Village.

1-1-2: **Applications.**

Applications for all licenses and permits required hereunder shall be made to the Village Clerk in writing on a form provided for that purpose, except as otherwise provided herein. The form to be utilized is attached hereto as Exhibit "A".

If the applicant is an individual (sole proprietorship), the application shall contain the applicant's name, residence address and residential telephone number. If the applicant is a partnership or other non-corporate business entity, the application shall contain the name and residential address and residential telephone number of each partner, principal or member thereof. If the applicant is a corporation, the application shall contain the name, residential address and residential telephone number of each principal officer and the registered agent thereof. If the applicant is an unincorporated association, the application shall contain the name, residential address and residential telephone number of the spokesman, chairman, or other leader of the association.

Each application also shall contain 1) a designation of the type or kind of business to be operated, 2) the location or proposed location of the place of business, occupation or activity, 3) the applicable fee to be paid, 4) the number of the certificate of registration required under the Retailer's Occupation Tax Act (Sales Tax), Service Occupation Tax Act, and/or Use Tax Act if applicable, 5) the Employer Identification Number for the applicant, and 6) such additional information as may be needed for the proper guidance of Village officials in the evaluation of such application, including proof of any insurance policy or bond required by this Chapter.

1-1-3: **License Procedures / Fee.**

All persons desiring to operate a licensable commercial activity or establishment as listed in this Ordinance shall file with the Village Clerk an application for a license to operate the commercial activity in the Village no later than thirty (30) days prior to the time such person desires to commence operation in the Village. Thereafter, prior to a person's continued operation of such a licensable commercial activity or establishment in a subsequent license year, said person shall file a renewal application not later than December 1st prior to each subsequent license year. In the event such person fails to file said renewal application by December 31st of the year, a late fee of Thirty Dollars and no/100ths (\$30.00) shall also be charged and be payable at the time of application. However, if application is made after January 31st the late fee shall be Sixty Dollars and no/100ths (\$60.00) and shall be charged and be payable at the time of application. Delinquency may also result in suspension and/or revocation of the right to conduct commercial activities within the Village.

Each license issued by the Village shall, in the absence of any provision to the contrary, bear the signature of the Village Clerk or their designee for purposes of this Chapter. Each license issued shall be dated and shall state to whom it is issued, for what purpose, the location, if any, at which such business is to be conducted and the date when the license is to expire.

The required fee for each license issued shall be collected in full at the time the application for a license, or at the renewal thereof. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of the death of the licensee or by any reason of non-use of the license or discontinuance of the operation of the commercial establishment.

The annual one (1) year fee shall be Fifteen Dollars and no/100ths (\$15.00). However, for calendar year 2007, the fee shall be \$7.50 for all licenses issued.

1-1-4: Investigations.

Subsequent to receipt of an application for a license where ordinances of the Village necessitate an inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the proper officer or employee for making such investigation. The officer or employee charged with the duty of making the investigation or inspection shall make a report thereon to the Village Clerk favorable or otherwise.

All investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer or employee designated by the Village.

1-1-5: Approval; Disapproval.

If, after due consideration of the information contained in the application, the Village President shall determine the application is satisfactory, he/she shall approve the application. Thereupon the Village shall notify the applicant and issue a license as provided above.

If after due consideration of the information contained within the application, the Village President shall determine that matters concerning the application are unsatisfactory, he/she shall disapprove the application, indicating the reasons therefore. Thereupon, the Village Clerk shall notify the applicant that the application has not been approved and that no license or permit will be issued.

1-1-6: License Year and Termination.

The license year for the Village shall commence on January 1st and terminate on December 31st in each year, where no provision to the contrary is made. All licenses, whenever issued, shall terminate on December 31st in each year.

The Village Clerk shall endeavor to notify each annual licensee of the expiration of time of the license held by the licensee at least sixty (60) days prior to such expiration date; provided, however, that a failure to make such notification or the licensee's failure to receive it, shall not exclude the licensee from the obligation to obtain a new license or a renewal.

Except as otherwise provided herein, such license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

1-1-7: Computation of License Fees.

When any license is issued on or between the dates of January 1st and June 30th of any year, the license fee shall be the amount as determined by Section 7-1-3. When any license is issued on or between the dates of July 1st and December 31st of any year, the license fee to be paid shall be Seven Dollars and 50/100ths (\$7.50). Except as otherwise provided, all license fees shall become a part of the General Corporate Fund.

1-1-8: Licenses Not Assignable; Unlawful Use:

No license or permit may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person shall use or display any license certificate, tag, badge or sticker which has been improperly acquired.

No person shall alter, deface, forge, or counterfeit any license, certificate, plate, tag, badge or sticker issued by the Village.

1-1-9: Location.

No license or permit for the operation of a business, establishment or activity in the Village shall be construed to permit its operation in more than one location in the Village; a separate license or permit shall be required for each location. For the purpose of this Chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses: 1) shall be connected or shall be located on the same lot or parcel; 2) shall be operated and managed by the same person or owner; and 3) shall be an establishment with the same classification.

The location of any licensed commercial establishment, or of any permitted act, may be changed provided: 1) ten (10) days' written notice thereof is given to the Village Clerk; 2) the Village's Building Code, Zoning Ordinances including the Sign Ordinance, and other applicable ordinances are complied with; and 3) the license fee required is paid.

1-1-10: Records and Standards.

The Village Clerk shall maintain a record of all commercial establishments and commercial licenses issued under this Chapter. These records shall be used for the purpose of classifying, and licensing all commercial establishments in the Village. Subject to the terms and provisions of this Chapter, upon payment in full of the required license fee to the Village, the Village shall issue a license tag or sticker or certificate or similar evidence of license which shall be displayed by the owner of the commercial establishment in a conspicuous place of the license premises within ten (10) days after receipt of said license.

No license for the operation of a commercial establishment in the Village shall be issued if one or more of the following conditions are determined to exist:

1. The building or premises of the commercial establishment does not comply with the provisions and terms of the Village's Zoning Ordinance, Subdivision Ordinance, fire regulations, health regulations, or with other applicable ordinances and regulations of the Village.
2. The building or premises of the commercial establishment are in a condition of being unsanitary or unsafe so as to endanger the public safety, health or welfare.
3. The owner of the commercial establishment or such legal entity comprising the commercial establishment is indebted to the Village.

1-1-11: Nuisances Prohibited.

Generally, no business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health. Any charge of conducting or operating a nuisance may be made under this Chapter or under the provisions of the Village ordinance prohibiting nuisances generally.

Unsafe or Unhealthful Business:

1. No building or structure, utilized, constructed, or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe or dangerous condition.
2. No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the Village.

1-1-12: Work Conditions.

1-1-12.1: Health Requirements.

No owner, lessee, manager or superintendent of any store, factory, workshop, or other place shall allow or cause any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

1-1-12.2: Sanitation.

All such places of employment shall be kept in a clean condition, free from the odor of a sewer, drain, privy, stable, or other nuisance; also so far as practicable, such premises shall be free from all gases, vapors, dust or otherwise which are

injurious to health. Sufficient washroom facilities for all employees shall be provided and such facilities shall be properly ventilated.

1-1-12.3: **Heat Required.**

It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory, workshop, retail business, or other commercial establishment, to maintain a temperature when workers are present within such factory or workshop of not less than sixty-five degrees Fahrenheit without such undue restriction of ventilation so as to interfere with proper sanitary conditions therein; provide, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a lower temperature than sixty-five degrees Fahrenheit is necessary or expedient for work or manufacturing process of such business.

1-1-12.4: **Inspection.**

The appropriate Village officials shall visit or cause to be visited all such places of employment in the Village as often as they shall deem necessary to assure compliance with the provisions of this Section, in addition to times as may be elsewhere provided, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

1-1-13: **Business Open to Public.**

All businesses or commercial establishments licensed under this Chapter which invite the public generally into their establishments for the purpose of conducting business, commercial activity, or any other activity licensed under this Chapter shall be subject to the following regulations in addition to all other applicable provisions of the Village's ordinances.

All areas within the licensed premises where the public may enter shall be kept in a safe and sanitary condition.

All business or commercial establishments subject to this Section shall refrain from all deceptive trade practices as defined by ordinance, State or Federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices. In the event of any such violation, the business license of the establishment may be revoked pursuant to the provisions of this Chapter.

It shall be unlawful to employ in any premises open to the public or engaged in the transportation, processing, preparation or packaging of food or beverages, any person who the employer knows or should have known, based upon reasonable observation, was afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who knows or should have known that the was afflicted with or a carrier of any such disease to work in or about any such premises.

1-1-14: **Inspections.**

It shall be the duty of the Village President to determine whether or not all licenses are in compliance with all applicable ordinance and regulatory requirements during the period of the license. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Chapter, or any ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the Village, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the Village who is duly authorized by the Village President to make such inspection at any reasonable time that such admission or entry is requested.

In addition to any other penalty which may be provided, the Village President may revoke under the provisions of this Chapter the license of any owner or operator of a licensed business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties.

1-1-15: **Suspension, Revocation and Appeal.**

A. When the conduct or operation of any business, occupation, activity or establishment, whether licensed or unlicensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, or where the holder of any license shall have refused to allow an inspection of his premises or has refused to furnish a sample of his goods for testing, the Village President shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists.

Within fourteen (14) days after a license or permit is suspended pursuant to this paragraph A., the Village President shall call a hearing in accord with paragraph C., below, for the purpose of determining whether or not the license or permit should be revoked.

B. Unless otherwise provided, any license issued under this Chapter may be suspended or revoked by the Village President after notice and hearing as provided in paragraph C., below, for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the license.
2. Any violation by the licensee of this Chapter or other Village codes or ordinances relating to the license, permit, the subject matter of the license, or to the premises occupied.
3. Conviction of the licensee or permittee of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest and legitimate business operation within the Village.
4. Failure of the licensee to pay the license fee or any other indebtedness, charge, fine or penalty owing to the Village.

5. Refusal to permit inspections or interferences with an authorized Village officer or employee while in the performance of his/her duties in making such inspections as provided in this Chapter.
6. When the conduct of any licensee, agent or employee is so inimical to the public health, safety or general welfare and/or the continued operation of the business constitutes a nuisance and thus gives rise to an emergency.

Said suspension or revocation, if ordered, shall be in addition to any other provision imposing a penalty for the violation of any section of the codes or ordinances of the Village.

C. The Government Affairs Committee of the Village shall conduct a hearing for the purpose of determining whether or not the license should be suspended or revoked in accordance with the following subsections:

1. Notice of the hearing for suspension or revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice may be hand-delivered or mailed by certified mail, return receipt requested, to the licensee to his last known address at least five (5) days prior to the date set for the hearing.
2. An attorney designated by the corporate authorities shall represent the Village at the hearing. The licenses shall be permitted counsel and have the right to submit evidence and cross-examine witnesses. The Committee shall render the decision, which may include suspension for up to ten (10) days, or revocation, and/or the payment of fines and performance of other actions.
3. At or prior to the hearing, the parties may enter into an agreement which establishes a series of actions to be taken and/or fines to be paid which will avoid suspension or revocation at that time.

D. Any person aggrieved by the decision of the Committee in connection with the suspension or revocation of a license as provided in this Section, shall have the right of appeal to the entire Village Board of Trustees. Such appeal shall be taken by filing with the Village Board of Trustees, within ten (10) days after notice of suspension or revocation, a written statement under oath setting forth specifically the grounds for appeal. The Village Board of Trustees shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in this Section. The decision of a majority of the Village Board of Trustees present at the hearing of such appeal shall be required to reverse the decision of the Committee.

1-1-16: License to be Posted, Destruction, Removal of License.

It shall be the duty of any person conducting a licensed business in the Village to keep his license displayed at all times in a prominent place on the premises, machine or vehicle used for such business.

No person shall destroy, obliterate, take, remove or carry away without the consent of the owner any license, certificate, plate or sticker which has been issued by the Village except when such license, certificate, plate or sticker has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the Village President or his duly authorized representative from removing any license, certificate, plate or sticker from the possession of a former licensee, his premises, any vehicle or any machine when said license has been revoked under the provisions of this Chapter.

1-1-17: License Not to Preclude Other Licenses.

The license required in this Chapter shall be in addition to any vehicle license, liquor license, building permit, inspection fees or any other fees or charges that may be required by other Village ordinances, whether now existing or hereafter adopted.

1-1-18: Activities and Organizations Excluded.

The terms and provisions of this Chapter shall not be made applicable to a building or premises or portion thereof, the principal use of which is for the practice or operation of a business which is pre-exempted from regulation by State law; provided, however, that such activities when accessory to the operation of a commercial establishment as herein defined shall not exclude the principal commercial establishment from the terms and provisions of this Chapter.

The license fee requirements of this Chapter shall not apply to activities sponsored or conducted by religious, educational, charitable, civic or political organizations or institutions; or to governmental institutions or agencies acting in either a governmental or proprietary capacity; or to any franchised public utility; or to carriers regulated exclusively by the Federal government. Nothing in this Section shall be deemed to diminish the authority of the Village to perform any of its necessary or ordinary regulatory functions, nor shall any organization as described in this Section be relieved of the responsibility of filing an application and securing a license as is otherwise provided in this Chapter.

1-1-19: Peddlers and Hawkers.

Peddlers, hawkers, itinerant vendors and transient merchants are subject to compliance with the Village Peddlers and Solicitors Ordinance.

1-1-20: Prohibited Conduct.

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on or manage any business, occupation, activity or establishment, either by himself or through an agent, employee or partner, contrary to the standards and regulations set forth in this Chapter.

1-1-21: Penalty:

Any person, corporation or organization, of any kind, violating the prohibition of this Chapter shall be fined not less than Twenty-Five Dollars and no/100ths (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense. Each day of violation and each violating location shall be considered a separate offense under this Section.

Section 2: All parts of Ordinances or Amendments in conflict herewith are hereby repealed.

Section 3: This Ordinance shall be effective as of June 1, 2007.

UPON MOTION by Trustee _____, seconded by Trustee _____, adopted at a regular meeting of the Board of Trustees of the Village of North Utica, Illinois on the 14th day of February, 2007, by roll call vote as follows:

ROLL CALL VOTE:

<u>TRUSTEE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
<u>Ciccone</u>			
<u>Hamilton</u>			
<u>M. Pawlak</u>			
<u>Alvarado</u>			
<u>Guerrero</u>			
<u>R. Pawlak</u>			

APPROVED this 14th day of February, 2007.

Village President

ATTEST:

Village Clerk

PUBLISHED in Pamphlet form this _____ day of February, 2007.

Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF LASALLE) SS

I, Jamie Margis, do hereby certify that I am the duly elected, qualified and acting Clerk of the Village of North Utica, the County and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the President and Board of Trustees of the Village.

I do further certify that the attached and foregoing is a true and current copy of:

AN ORDINANCE ADOPTING AND
ADMINISTERING A BUSINESS LICENSE
BY THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS

as passed by the Board of Trustees of the said Village of North Utica, Illinois, at its regular meeting held on February 14, 2007, and as approved by the President of said Village on February 14, 2007.

IN WITNESS WHEREOF, I have hereto affixed my official signature and the corporate seal of said Village of North Utica, Illinois.

(SEAL)

Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF LASALLE) SS **Certificate of Pamphlet Publication**

I certify that I am the duly elected and acting municipal clerk of the Village of North Utica, LaSalle County, Illinois. I further certify that on February, 2007, the Corporate Authorities of the above municipality passed and approved Ordinance No. 2007-____ entitled:

AN ORDINANCE ADOPTING AND
ADMINISTERING A BUSINESS LICENSE
BY THE VILLAGE OF NORTH UTICA, LASALLE COUNTY, ILLINOIS

which provided by its terms that it should be published as required by law. The Pamphlet Form of Ordinance No. 2007-____ and a cover sheet thereof was prepared, and a copy of the Ordinance was posted in the Village Hall, commencing on February 14, 2007, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated this _____ day of February, 2007

Village Clerk

(BACK OF PAMPHLET)